IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARKWEST LIBERTY MIDSTREAM & RESOURCES, L.L.C.,)))
Plaintiff,)) Case No. 5:16-cv-00118) Judge John Preston Bailey
V.)
BILFINGER WESTCON, INC.,)
Defendant.)

MOTION TO REMAND

Pursuant to 28 U.S.C. § 1447(c), Plaintiff, MarkWest Liberty Midstream & Resources, L.L.C. ("MarkWest") moves this Court to remand this case to the Circuit Court of Wetzel County, West Virginia and enter an order requiring the payment by Defendant Bilfinger Westcon, Inc. ("Westcon") of just costs and actual expenses, including attorney fees, incurred by MarkWest as a result of this baseless removal. A brief in support of this motion is being filed concurrently herewith and is incorporated by reference herein.

Dated: August 5, 2016 Respectfully Submitted:

/s/ Thomas C. Ryan

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2016, a true and correct copy of the foregoing **MOTION TO REMAND** was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record. I have further mailed complete copies of this filing to the following counsel via First Class U.S. Mail:

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<u>/s/ Travis L. Brannon</u> Travis L. Brannon